



**CITY COUNCIL
ATLANTA, GEORGIA**

02-O-0335

**AN ORDINANCE
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF
ORDINANCES, CHAPTER 74, ARTICLE VI FLOOD AREA
REGULATIONS, AND FOR OTHER PURPOSES.**

WHEREAS, Ordinance 01-O-0708 was adopted by the City Council on August 6, 2001 and approved by the Mayor on August 13, 2001; and

WHEREAS, Ordinance 01-O-0708 moved the City of Atlanta's Flood Area Regulations from the Zoning Code to Chapter 74 of the City of Atlanta Code of Ordinances; and

WHEREAS, some zoning language remains in the text which was moved to Chapter 74 of the City of Atlanta Code of Ordinances; and

WHEREAS, such zoning language needs to be removed.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The City of Atlanta Code of Ordinances is hereby amended by deleting the existing text of Chapter 74, Article VI Flood Area Regulations in its entirety.

SECTION 2. The City of Atlanta Code of Ordinances is hereby amended by adopting the text displayed in Exhibit A in its entirety as the new text for Chapter 74, Article VI Flood Area Regulations.

SECTION 3. Chapter 74, Article VII: Riparian Buffer Requirements shall be renumbered as Section 74-300 through 74-321.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 18, 2002
MAR 26, 2002

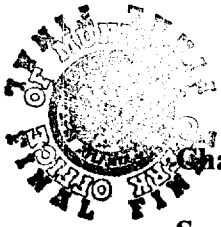


EXHIBIT A

Chapter 74, Article VI: FLOOD AREA REGULATIONS.

Sec. 74-201. Intent.

The intent of this Article is to regulate and restrict uses and structures within areas of the City of Atlanta subject to periodic severe inundation in order to protect life and property, to prevent or minimize the hazards and damage which follow such inundation and to reduce the public cost of rescue efforts, relief efforts and flood control activities made necessary by such inundation; and to protect the character of surrounding areas; and to enable owners of property within the City of Atlanta to qualify for National Flood Insurance.

Sec. 74-202. Flood insurance study and maps adopted.

The Federal Emergency Management Agency Flood Insurance Study, Flood Hazard Boundary Map and Flood Insurance Rate Map, for the City of Atlanta, Georgia, revised June 22, 1998, and as it may be revised, shall constitute the official flood maps for the City of Atlanta. All land shown on said maps as lying within a "special flood hazard area" shall be subject to the regulations set forth in this Article VI Flood Area Regulations.

Sec. 74-203. Definitions of words and phrases.

Words and phrases used in this Article which are defined in the National Flood Insurance Rules and Regulations effective December 1, 1976 (41 Federal Register, pp. 46969 et seq.), and as they may be revised, shall have the meanings set out in such rules and regulations unless the context in which such words or phrases are used in this Article clearly imports a different meaning. "Floodway" includes any channel through which water passes at depths or velocities capable of discharging a base flood without increasing the elevation to which floodwaters would rise by more than one (1) foot anywhere in a special flood hazard area. "Floodplains" include those areas of land presently having natural or man-made contours of elevation at or below the base flood elevation shown on the flood maps and those areas of land which are not so shown on the flood maps and where inundation is likely to occur during a base flood as determined from evidence of prior flooding verified by engineering studies to determine the probable depth of such floodwaters.

Sec. 74-204. Permits required.

Use of lands and buildings, and construction of structures within a special flood hazard area shall require approval of a permit by the Commissioner of the Department of Public Works.

Any proposal which includes any of the activities described in this Article shall be submitted to the Commissioner of the Department of Public Works for review before any

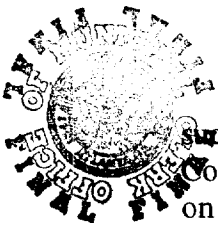


EXHIBIT A

such activity is commenced. The Commissioner, or an authorized representative of the Commissioner, may authorize the approval of any of such activities upon a finding, based on detailed plans and specifications submitted with the proposal, that the activity can be completed and occupied or used in full compliance with the requirements of this Article.

No part of any such activity shall be commenced before such permit approval has been issued and all other permits and licenses required by applicable law have been issued or obtained. The Commissioner may recommend the revocation of any such permit approval when the Commissioner determines the activity is not being accomplished, or that the land is not being used or occupied, as shown on the plans and specifications approved by the Commissioner. A permit approval so revoked may be reinstated upon application by the holder under such rules and conditions as are established by the Commissioner consistent with the requirements of this Article and other applicable laws.

The Commissioner shall not, by authorizing the approval of a permit under the authority of this Article, authorize any use of land, any extension or enlargement of a use of land which existed before the original date of enactment of the provisions of said Article, or the commencement of any of the activities described in this Article, where the effect thereof would be to decrease the volume of existing flood storage on that land or to increase flooding conditions upstream, downstream or adjacent to that land.

(a) Protection of floodways: The floodway shall be that as defined in the Flood Insurance Study, City of Atlanta, Georgia, Fulton and DeKalb County, Federal Emergency Management Agency, revised June 22, 1998, and as it may be subsequently revised or extended. On those watercourses and rivers regulated hereunder where the floodway has not been defined in the said flood insurance study and until such time as these watercourses and rivers are defined in an officially adopted or revised flood insurance study, the floodway shall be defined as the channel of the watercourse or river and the adjacent areas of the defined or undefined floodplain that must be reserved in order to discharge the 100-year base flood without cumulatively increasing the water surface elevation more than one (1) foot upstream of, downstream of, or at the point being considered. No fill or encroachments shall be placed within the defined floodway that would impair the ability to carry and discharge the waters resulting from the 100-year base flood.

(b) Floodplain protection:

The Commissioner shall not authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure within the floodplain. Earth disturbing activities in the floodplain shall be permitted only when the resulting configuration shall allow storm water to enter the floodway by sheet flow (not channelized flow) and results in no loss of existing flood volume. Any earth disturbing activities within a flood plain shall be subject to requirements of stream bank buffer limits and should be constructed using Best Management Practices for soil erosion and sedimentation control. The use of compensating excavation or contouring procedures to modify flood hazard limits may only apply to install necessary public



EXHIBIT A

roadway and utilities within the flood limits to support existing and new property(s) which are not within the flood limits.

All applications for permits issued by the Commissioner which would allow any use or construction wholly or partly in a special flood hazard area shall include detailed plans and specifications which demonstrate that no expansion of a special flood hazard area would result from the work which would be authorized by any such permit. No such permit shall authorize any proposed use or construction which would have a finished elevation less than two (2) feet higher than the nearest base flood elevation and that would be closer than 15 feet from the nearest base flood elevation, and no such permit shall be issued until the plans and specifications submitted have been authorized by the Commissioner. Any comments or requirements endorsed on such plans and specifications, or on an addendum thereto, by the Commissioner shall become a part of any permit issued for the work covered by the plans and specifications and shall be enforced as are all other requirements applicable to such permit.

(c) Special Flood Hazard Areas; further use restrictions: Where a residential, commercial, industrial or other zoning district established under Part 16 for general regulations of uses and structures is in whole or in part also within the limits of a special flood hazard area, uses within the special flood hazard area shall not necessarily include all those generally permitted in the residential, commercial, industrial or other such zoning district, but only those which by kind, character or location meet the objectives of this Article.

(d) Modification to existing structures or existing usages of the floodplain in violation of, but Predating the Provisions of this Article: Minor modifications and routine maintenance of uses and structures which were lawful prior to the original date of enactment of the provisions of this Article, including existing structures, fills, pavements, utilities, mobile homes, mobile home sites and other facilities, shall be subject to the following restrictions:

Any modification to an existing usage, when such existing usage is in violation of this Article, that enhances the protection of life or property or which is reasonably necessary to the maintenance and upkeep of the property concerned and which does not extend the scope and magnitude of the existing violation of these regulations, is permitted provided the value of such modification or maintenance does not exceed 50 percent of the fair market value of the total existing usage prior to such modification or maintenance, excluding the value of the land but including the value of existing structures, utility service connections, fills, pavements, slabs, mobile home sites and other facilities which can be reasonably demonstrated as an integral part of that existing usage.

Any improvement, modification or maintenance and any repairs or reconstruction required by any reason, including damages arising from normal deterioration, flood, other natural act or accident, of any existing usage where such existing usage is in violation of this Article, shall bring that existing usage under the scope of the regulations set forth in this sub-section 74-88 (d); and that existing usage shall be brought into compliance with

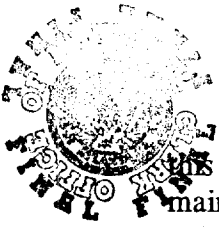


EXHIBIT A

This Article, providing that the total value of such improvement, modification, maintenance, repair or reconstruction exceeds 50 percent of the fair market value of the existing usage before such improvement, modification or maintenance or before such flood, other natural act or accident, excluding the value of the landing but including the prior value of structures, utility service connections, fills, pavements, slabs, mobile home sites and other facilities which can be reasonably demonstrated as an integral part of the existing usage prior to the event.

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0167
02-O-0458

CORRECTED COPY

CONSENT I

03/18/02 Council Meeting

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED
ON CONSENT
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSE
ON CONSENT
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445

02-0-0335

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AN ORDINANCE

BY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF
ATLANTA CODE OF ORDINANCES, CHAPTER
74, ARTICLE VI FLOOD AREA REGULATIONS;
AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 18 2002

COUNCIL

SUBSTITUTE

☒ CONSENT REFER☐ REGULAR REPORT REFER☐ ADVERTISE & REFER☐ 1st ADOPT 2nd READ & REFER

Date Referred 3/4/02

Referred To: City Utilities

First Reading

Committee

Date

Chair

City Utilities
Exp. 26 2002
C. Muller

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

COUNCIL ACTION

☐ 2nd☐ 1st & 2nd

Readings

☐ 3rd☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Worland

CERTIFIED

MAR 18 2002

Randy Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 26 2002

Shirley Franklin